

**From:** Howard Allen Cohen  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I do not think that the Microsoft Settlement remedies, or will prevent a reoccurrence of, some of Microsoft's business practices that cause the most harm to its competitors and the public. Microsoft should be required to publicly release the APIs to all current versions of Windows and enough of the source code to permit competitors to write computer programs that:

1. Can compete with Microsoft products on a level playing field if they run under Windows. For example, I fear that Microsoft's application programmers get advance or more detailed knowledge of "hooks" or hidden features in Windows so they can optimize their programs better than the competitors.

2. Can run under other operating systems in order to run programs originally written to be run under Windows under those other, non-Windows operating systems. For example, Linux users should be able to run most Windows application programs with the help of Wine (Wine is a project that makes it possible to run Windows application on Linux and is being developed by open source developers - see <http://www.winehq.com/>). Currently, Microsoft conceals information needed to most effectively do this. And the Digital Millennium Copyright Act (DMCA) may even make attempting to reverse engineer Windows to discover this information illegal.

Also, I note that the trial court's findings of fact define "API" to mean the interfaces between application programs and the operating system, while in the settlement, this term means only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows. The court's definition should be used in order to implement the suggestion in my paragraph 2 above.

If you have any questions or comments, do not hesitate to call me. Thank you for your consideration.

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